

LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

The written comment deadline is October 24, 2007, unless otherwise listed.
(Temp & Prop) indicates the rule is both temporary and proposed.
****** Indicates that a public hearing has been scheduled.

IDAPA 02 - DEPARTMENT OF AGRICULTURE **PO Box 790, Boise, ID 83701-0790**

02-0104-0701, *Rules Governing the Idaho Preferred® Promotion Program.* Clarifies product qualification requirements for processed products.

****02-0420-0701, *Rules Governing Brucellosis.*** (Temp & Prop) Repeals certain requirements on cattle exported from Idaho to reflect the upgrade in Idaho's brucellosis status from "Class A" to "Class Free".

****02-0430-0701, *Rules Governing Nutrient Management.*** (Temp & Prop) New chapter provides for certification of soil samplers for nutrient management purposes on cattle operations; criteria for soil sample collection; and penalty provisions.

02-0633-0701, *Organic Food Products Rules.* Incorporates by reference amendments to 7 CFR part 205, National Organic Program.

IDAPA 03 - IDAHO STATE ATHLETIC COMMISSION **1109 Main St. Ste. 220, Boise, ID 83702**

03-0101-0701, *Rules of the State Athletic Commission.* Changes comply with statutory changes; adds definitions; removes obsolete language; revises contract provisions; removes requirements for passbook; changes licensing information and references for boxer to combatant; clarifies surety bond, event approval, admission rules, complimentary and other tickets, and martial arts; deletes amateur boxing.

IDAPA 05 - DEPARTMENT OF JUVENILE CORRECTIONS **P.O. Box 83720, Boise, ID 83720-0285**

05-0101-0701, *Rules for Contract Providers.* Corrects references to juvenile offender; clarifies incident reporting, reports, recordkeeping, training, room restrictions, and use of force and adds Prison Rape Elimination Act compliance sections.

05-0102-0701, *Rules and Standards for Secure Juvenile Detention Center.* Clarifies that certificate is issued to juvenile detention centers instead of a license and corrects reference to female juvenile offenders.

05-0103-0701, *Rules of the Custody Review Board.* Formalizes the use of Board member alternates; clarifies board's power and duties regarding determinations and reconsiderations.

IDAPA 07 - DIVISION OF BUILDING SAFETY **PO Box 83720, Boise, ID 83720**

07-0101-0701, *Rules Governing Electrical Inspection Tags.* Allows for copies of forms to be used in lieu of

specified pages of multi-part forms, delivery of permit copies through alternative means, and the transacting of business via the Internet.

07-0102-0701, Rules Governing Fees for Electrical Inspections. Adopts a common fee basis for electrical, plumbing, and HVAC permits based on the square footage of the residence and associated outbuildings constructed at one time.

07-0103-0701, Rules of Electrical Licensing and Registration - General. Requires the owner or qualified employee of an applicant for an electrical contractor license to be licensed as a master electrician. The proposed changes are effective 7/1/08 and exempt existing contractors until a new supervising electrician is designated.

07-0104-0701, Rules Governing Electrical Specialty Licensing. Clarifies that the owner or qualified employee of an applicant for an electrical specialty contractor license be licensed as a supervising specialty journeyman.

07-0106-0701, Rules Governing the Use of National Electrical Code. The Electrical Board incorporates by reference the 2008 National Electrical Code, with amendments reflecting the best judgment of the Board.

07-0107-0701, Rules Governing Continuing Education Requirements. Defines the requirements for electrical continuing education sponsors, courses, and instructors.

07-0203-0701, Rules Governing Permit Fee Schedule. Adopts a new square footage-based permit fee schedule for new residential construction, and also imposes an increased permit fee schedule for non-residential construction.

07-0205-0701, Rules Governing Plumbing Safety Licensing. The proposed change is needed to clarify and specify the permitted scope of work for appliance plumbing specialty licensing.

07-0207-0701, Rules Governing Civil Penalties. Clarifies that a person holding valid plumbing contractor license is not subject to certain civil penalties.

****07-0303-0701, Rules For Modular Buildings.** (Temp & Prop). Complies with Senate Bill No. 1155 and establishes fees, inspection baselines, and enforcement guidelines for modular buildings

07-0402-0701, Safety Rules for Elevators, Escalators, and Moving Walks. Incorporates by reference current editions of the applicable codes along with applicable amendments and updates.

07-0501-0701, Public Contractors License Board. Complies with HB 139 and consolidates two existing specialty construction categories that involve HVAC work into one.

07.07.07 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems.

07-0701-0701, Provides an alternative for someone who has experience and knowledge from sources other than those listed in the current minimum requirements to obtain a HVAC Specialty Hearth Installer license.

07-0701-0702, Establishes a specialty HVAC license for waste oil heating equipment installers.

07-0701-0703, Establishes a specialty HVAC license for fuel gas piping installers.

07-0701-0704, Adopts a common fee basis for electrical, plumbing, and HVAC permits based on the square footage of the residence and associated outbuildings constructed at one time.

IDAPA 08 - STATE BOARD OF EDUCATION

PO Box 83720, Boise, ID 83720-0037

08.01.05 - Rules Governing the Idaho Promise Scholarship Program

08-0105-0701, (Temp & Prop) Repeal of chapter.

08-0105-0702, (Temp & Prop) Rewrite of chapter allows students who have been home-schooled to apply for this scholarship.

08.02.02 - Rules Governing Uniformity

****08-0202-0707,** (Temp & Prop) Changes minimize duplication of accrediting efforts between the State and the NAAS; reduce state costs by making full use of the services of the NAAS; allows accreditation to be optional at the elementary levels.

****08-0202-0708**, (Temp & Prop) Allows issuance of 3-year interim certificate to Idaho-trained educators whose certificates have expired and educators holding current certificates from recognized, accredited foreign institutions.

08.02.03 - Rules Governing Thoroughness

08-0203-0704, Updates definitions, eliminate redundant and outdated language; includes all assessments in Idaho's state system.

****08-0203-0705**, Adds new math and science graduation requirements for the graduating class of 2013 that include 2 credits of Algebra I, 2 credits of Geometry and 2 additional math credits taken in a student's senior year of high school.

08-0204-0701, Rules Governing Public Charter Schools. Requires public charter school petitioners to address or respond to the findings of the State Department of Education's sufficiency review and include said responses, in writing, with the petition upon submission to an authorized chartering entity.

**IDAPA 11 - IDAHO STATE POLICE
PO Box 700, Meridian, ID 83680-0700**

11-1101-0701, Rules of the Idaho Peace Officer Standards and Training Council. Clarifies to whom the rules apply; updates and adds definitions; updates minimum vision standards; establishes how long a medical exam is valid; allows open campus for select basic academies; allows vo-tech program coordinators to be eligible for certification; allows Idaho POST-certified peace officers to maintain their certifications while employed as tribal officers with federally recognized Indian tribes within Idaho; removes limitation on college credits; establishes challenge procedure for vo-tech law enforcement program graduates.

11-1104-0701, Rules of the Idaho Peace Officer Standards and Training Council for Correction Officers and Adult Probation and Parole Officers. (Temp & Prop) Clarifies what documentation is acceptable as proof of citizenship; rewords education and experience standards; allows for minor hearing deficiencies to be waived by the POST Executive Director rather than the POST Hearing Board; updates minimum vision standards; establishes how long a medical exam is valid; adds firearms qualification requirement for Probation and Parole officers.

**IDAPA 13 - IDAHO FISH AND GAME COMMISSION
P.O. Box 25, Boise, ID 83707**

13-0104-0701, Rules Governing Licensing. (Temp & Prop) Amends references to the Disabled Persons Motor Vehicle Permit License; amends the outfitter allocation rule to clarify the allocation process, to address outfitter and legislative committee concerns; changes references to the Clearwater deer tag to the White-tailed deer tag.

13-0108-0701, Rules Governing the Taking of Big Game in the State of Idaho. (Temp & Prop) Allows for lighted reticles powered by battery or tritium for telescopic sights; increases let-off restriction for compound bows; changes the minimum length and weight of arrows and bolts; adds Units 49, 57 and 59 to the list of Big Game Management Units with motorized vehicle use restrictions; deletes controlled hunt boundary descriptions which are set by proclamation and published in the hunting brochure. Muzzleloaders changes include: loose powder only (pelletized powders are prohibited); projectiles must be within a minimum diameter of the bore diameter; an exposed pivoting hammer and exposed ignition system for muzzleloader seasons; and prohibits 209 primers for muzzleloader seasons.

13-0109-0701, Rules Governing the Taking of Game Birds in the State of Idaho. (Temp & Prop) Increases number and type of turkey tags available; allows Department sponsored youth waterfowl hunts at the Hagerman Wildlife Management Area; amend references to the WMA pheasant permit to the WMA Upland Game Bird Permit; deletes obsolete hunting area descriptions for Chukar Partridge, Gray Partridge, and Quail.

13-0112-0701, Rules Governing Commercial Fishing in the State of Idaho. (Temp & Prop) Amends commercial species list to add Lake whitefish, delete several species, and correct the names of several species; allows for the use of gill nets and defines gill net requirements.

13-0117-0701, Rules Governing the Use of Bait for Taking Big Game Animals. Clarifies definition of allowable bait to be consistent with the trapping rules.

**IDAPA 15 - OFFICE OF THE GOVERNOR
COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED**

PO Box 83720, Boise, ID 83720-0012

15-0201-0701, Federal Laws and Regulations. Repeal of chapter.

15-0202-0701, Vocational Rehabilitation Services. Incorporates by reference all applicable federal laws and regulations governing the provision of Vocational Rehabilitation Services and updates procedural and practice requirements relating to the provision of services to eligible clients.

15-0203-0701, Rules Governing the Independent Living Program. New chapter incorporates by reference all applicable federal laws and regulations governing the provision of rehabilitation services relating to the federally-mandated Independent Living Program and includes procedural and practice requirements governing provision of said services.

15-0204-0701, Rules Governing the Prevention of Blindness and Sight Restoration Program. Sets forth the procedural and practice requirements for the Prevention of Blindness and Sight Restoration Program.

DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION**PO Box 83720, Boise, ID 83720-0066**

15-0401-0702, Rules of the Division of Human Resources and Personnel Commission. Changes definitions: veterans preference; compensation of employees; moving expense reimbursement; probationary period for acting and temporaries employees; performance evaluation; military leave; overtime for executives; and bone marrow and organ donor leave to comply with new code provisions.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**PO Box 83720, Boise, ID 83720-0036**

16-0208-0701, Vital Statistics Rules. Adds advanced practice professional nurses and physician assistants to the list of those legally authorized to sign death and stillbirth certificates and authorize the final disposition and removal of a dead body or stillborn fetus in compliance with SB 1069 and adds a reference to the official form required for updating a death certificate.

16-0215-0701, Immunization Requirements for Idaho School Children. Specifies that the 5th dose of diphtheria, tetanus and pertussis (DTaP) and the 2nd dose of measles, mumps and rubella (MMR) are only for children entering kindergarten during or after the 2005-2006 school year as originally intended.

16.03.01 - Eligibility for Health Care Assistance for Families and Children.

16-0301-0702, (Temp & Prop) Updates the Transitional Medicaid reporting time lines and requirements for continuing Transitional Medicaid and establishes the effective dates for participant to request continued benefits pending a fair hearing decision; clarifies the types of acceptable documentation for citizenship and identity requirements.

16-0301-0703, Revises the reporting requirements so that Medicaid participants must report any changes in their circumstances that may affect their benefits by the 10th of the month following the month in which the change occurred.

****16-0303-0701, Rules Governing Child Support Services.** (Temp & Prop) Imposes a twenty-five dollar (\$25) annual fee upon the custodial parent receiving child support enforcement services in each child support case in which an individual has never received assistance under a program funded under the Temporary Assistance for Needy Families (TANF) program and when the state has collected more than \$500 in support during the Federal Fiscal Year.

16-0304-0701, Rules Governing the Food Stamp Program in Idaho. Standardizes the monthly reporting date for all food stamps households to report any changes in their circumstances to make change reporting easier; refers to federal regulations regarding timely filing of applications and proration of food stamp benefits when a food stamp applicant delays the processing of the application.

16.03.05 - Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled.

16-0305-0703, Defines long-term care, partnership policy, pension funds, and retirement funds; adds a life estate table to determine asset value at the time of transfer; clarifies how the community spouse resource allowance is determined when one of the couple is long-term care participant and clarifies the penalty exceptions for asset transfers.

****16-0305-0704**, (Temp & Prop) Changes aligns Idaho Medicaid rules with federal regulations; uses federal terminology for a deemed newborn child; expand the types of documentation that can be used to establish citizenship and identity and exempts additional groups from the requirements; allows participant to request continued benefits pending the fair hearing who he disagrees with an eligibility decision; allows an individual to become eligible for long-term care who would otherwise be over the income limit if the income is placed in trust the same month it is received.

16-0306-0701, *Rules Governing Refugee Medical Assistance*. Repeal of chapter.

16-0306-0702, *Refugee Medical Assistance*. Chapter rewrite increases the accountability, consistency, accuracy, and efficiency and changes the income limits for those eligible.

16-0308-0701, *Rules Governing Temporary Assistance for Families in Idaho*. Aligns the methodology for calculating self-employment income for TAFI eligibility with that used in the Food Stamp Program and uses a standard 50% deduction from gross income instead of using gross receipts minus allowable expenses.

16.03.09 - Medicaid Basic Plan Benefits.

16-0309-0702, Defines and describes the methodology used for determining reimbursement rates for new and existing Federally Qualified Health Centers including when they make changes in the scope of services they provide.

16-0309-0703, Clarifies that the floor calculation for hospitals with more than forty beds is 81.5% of Medicaid costs, and the floor calculation for hospitals with forty or fewer beds is 96.5% of Medicaid costs.

16-0309-0704, Outlines the circumstances under which a surgically implanted hearing aid will be authorized and updates a citation to EPSDT relating to hearing aids.

****16-0309-0705**, (Temp & Prop) Adds a Chronic Disease Management benefit for Medicaid participants with certain chronic diseases and adds the methodology for determining the reporting requirements for each disease.

****16-0309-0706**, Allows occupational therapists and speech-language pathologists to become Medicaid providers and bill Medicaid directly; allows Home Health Agencies to bill for speech-language pathology services provided to participants in their homes; and limits participant's occupational therapy to 25 visits and speech-language pathology services to 40 visits per calendar year without prior authorization.

****16-0310-0704**, *Medicaid Enhanced Plan Benefits*. Deletes the limit of 250 speech therapy sessions per calendar year and establishes a new limit of 40 sessions per calendar year and a new limit of 25 sessions per calendar year for occupational therapy sessions; and make language consistent used to refer to physical therapy, occupational therapy, and speech-language pathology services.

16.06.12 - Governing the Idaho Child Care Program.

16-0612-0701, Increase the current income limits to 135% of the 2007 Federal Poverty Guidelines; updates the co-payment rates for families receiving ICCP; allows post-secondary education as an eligible activity for four years (40 months).

16-0612-0702, Requires non-working students to pay a 31% co-pay; and require ICCP applicants to cooperate with child support.

IDAPA 17 - INDUSTRIAL COMMISSION

PO Box 83720, Boise, ID 83720-0041

****17-0208-0702**, *Miscellaneous Provisions*. Establishes a medical fee schedule and reimbursement methodology pursuant to Worker's Compensation law for providers, sureties, and employers while maintaining budget neutrality.

IDAPA 18 - DEPARTMENT OF INSURANCE

PO Box 83720, Boise, ID 83720-0044

18-0144-0701, *Schedule of Fees, Licenses and Miscellaneous Charges*. Eliminates discounted fee and returns to the uniform renewal rate of \$80 for adjusters, producers and surplus lines brokers.

18-0150-0701, *Adoption of the 2003 International Fire Code*. (Temp & Prop) Incorporates by reference the 2006 International fire Code.

18-0153-0701, *Continuing Education*. Updates procedures to allow licensee to download continuing education (CE) courses and course completion rosters via the Internet so that they are credited prior to the license renewal date;

eliminates exemptions to CE and added credits because of a reduction in the CE credit hour requirements from forty to twenty four to meet national uniformity standards.

18-0160-0701, Long-Term Care Insurance Minimum Standards. Clarifies training requirements for insurance producers selling long term care insurance policies that qualify for Idaho's Long Term Care Insurance Partnership Program.

Please refer to the Idaho Administrative Bulletin, **October 3, 2007, Volume 07-10** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact information.

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